



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Dixie Resource Area Office
225 North Bluff Street
St. George, Utah 84770
Comm (801)673-4654 FTS 327-0200



3809
UTU-047-89-08
(UT-047)

September 25, 1991

CERTIFIED MAIL # 155 994 586 - RETURN RECEIPT REQUESTED

Richard
9-25-91

DECISION

David L. Penney :
Box 312 : Notice of Noncompliance
Beaver, Utah 84213 :

Failure to complete reclamation of mining disturbance in T. 41 S., R. 13 W., sec. 15, SLBM is noncompliance with 43 Code of Federal Regulations 3809.1-3 and 3809.3-2.

The site was inspected on August 7, 1991 and it was evident no substantial work had occurred in the pits and trenches for at least one year. Federal mining regulations require reclamation at the earliest feasible time. A letter was sent to you on August 8, 1991 requesting a reclamation plan. To date, you have failed to respond to that letter.

The Notice of Intent you filed in 1989 (UTU-66860/UT-047-89-08N) stated reclamation would be completed to the standards in 43 CFR 3809.103(d). These standards require:

1. Remove all rubbish from the site to an authorized landfill.
2. Backfill the pits and trenches, and reshape the area to an natural appearance.
3. Seed all areas on which the vegetation was disturbed. Drill seeding is the preferred method, but broadcast seeding may be done if the seed is covered to a depth of 2 inches afterwards.

The seed mixture will consist of:

| <u>Seed</u> | <u>lbs/acre pure live seed</u> | |
|--------------------|--------------------------------|------------------|
| | <u>drill</u> | <u>broadcast</u> |
| Indian Ricegrass | 4 | 8 |
| Eaton Penstemon | 1 | 2 |
| Yellow Sweetclover | 3 | 6 |
| Sand Dropseed | <u>2.5</u> | <u>5</u> |
| | 10.5 | 21 |

Fall seeding generally gives good results for this area. The reclamation will not be acceptable until at least 30 percent ground cover occurs.

This reclamation must be completed by October 31, 1991. Please notify Larry Gore, the Dixie Resource Area geologist, when the reshaping work is complete so an inspection can be made. The seeding will be checked in the spring, to determine its acceptability.

Failure to complete the work by October 31, 1991 will result in a record of noncompliance. BLM policy states that an operator who has established a record of noncompliance must file plans of operation for any work on BLM land (regardless of area) and must be bonded for the entire projected cost of reclamation. A record of noncompliance will exist for 12 months after the noncompliance is corrected. It is therefore to your advantage to complete this reclamation in a timely manner and avoid establishing a record of noncompliance.

You have the right to appeal this decision to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

If you need further information concerning this notice or reclamation plan, please contact Larry Gore, at the Dixie Resource Area office.

Sincerely,

Gordon Staker
District Manager

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| SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4. Put your address in the RETURN TO Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. | |
| 1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. | 2. <input type="checkbox"/> Restricted Delivery (Extra charge) |
| 3. Article Addressed to: David L. Penney Box 312 Beaver, Utah 84713 | 4. Article Number: P-155-994-586 |
| 5. Signature of Addressee: <i>[Signature]</i> | Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise |
| 6. Signature of Agent: <i>[Signature]</i> | 8. Addressee's Address (ONLY if requested and fee paid) |
| 7. Date of Delivery: OCT - 3 1991 | |
| Form 3811 Apr 1989 | |
| DOMESTIC RETURN RECEIPT | |